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UNCLAS SECTION 01 OF 04 GABORONE 000273

SIPDIS

SENSITIVE

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SUBJECT: BOTSWANA'S ANTI-TRAFFICKING IN PERSONS REPORT 2004

REF 04 STATE 273089

11. (SBU) Summary: At this time, post believes Botswana is not a country of origin, transit or destination for a significant number of human trafficking victims. This is partly because the Government of Botswana regards trafficking as a serious threat and has taken measures to prevent it from emerging as a problem. Given the absence of a significant number of trafficking in persons (TIP) cases, Government efforts emphasize prevention over prosecution of perpetrators and protection of victims. These steps include participation in TIP-specific and TIP-related law enforcement training, close inter-agency and inter-governmental coordination of border security and support for NGOs that care for potential victims of human trafficking. End summary.

Overview

12. (SBU) Only one specific report of human trafficking emerged in 2004. This involved a child taken by an aunt from her family in a rural village under false pretenses. According to Childline, a child welfare NGO, when the child reached Gaborone, where she had been promised care and education, she was forced to work as a maid. Concerned neighbors contacted the Department of Social Welfare. A social worker reportedly interviewed the child and took her to the police station and the magistrate court where she was declared a child in need of care on March 28, 2004. Childline provided temporary shelter for the child until she could return to her family on May 5, 2004. The social worker reportedly recommended that the perpetrator be charged with child abuse. The Botswana Police Service and Department of Social Welfare could provide no information about this case. Although contacts in the NGO community indicate that this practice is not uncommon, there have been no other confirmed cases of trafficking.

13. (SBU) There are no reliable statistics or estimates of the number of persons trafficked in Botswana, and no formal efforts are underway to document the extent and nature of trafficking in the country. During 2004, however, the Government of Botswana (GOB) and the International Labor Organization (ILO) developed an expanded labor force survey intended to provide a clearer picture of child labor patterns in Botswana. The GOB expects administration of the survey to begin in 2005.

14. (SBU) The International Organization for Migration's (IOM) 2003 report on Trafficking of Women and Children in the Southern African Region did not mention Botswana. Sources within the IOM said that anecdotal information indicated that Botswana might be a destination country for victims from countries such as Zambia or Zimbabwe, and/or a transit country en route to South Africa, but these reports were not confirmed. Some law enforcement officials suspected that Botswana could be a transit country for trafficking in persons from East Africa to South Africa but again knew of no confirmed cases. IOM representatives have no clear idea of the volume of trafficking through Botswana but believe that, if it exists, it does so on a very small scale.

15. (SBU) A number of other relevant sources confirmed the lack of evidence on human trafficking, which leads to the impression that this is not a significant problem in Botswana. These included the following: Ms. Veronica Dabutha, Department of Social Welfare; Mr. W. Karihindi, Mr. M. Maduwane and Mr. Baakile, Botswana Police Service; Ms. S. Seemule, Department of Labor; Mr. B. Majola and Mr. A. Mmusetsi, Department of Immigration; Mr. C. W. Mudongo and Mr. Motswebagale, Department of Customs and Excise; Mr. B. Tjiyapo, Women's Affairs Department; Ms. Solomon and Mr. Segabo, Attorney General's Chambers; Ms. M. Bokole, Women and Law in Southern Africa; Ms. A. Mogwe, Botswana Center for Human Rights; Mr. E. Thieszen, Women Against Rape; Mr. J. Martens, International Organization for Migration; Mr. D. Bosch, International Labor Organization; Ms. P. Letshwiti, Childline.

Prevention

-IMMIGRATION CONTROLS-

16. (SBU) Despite the dearth of evidence indicating that Botswana has a significant trafficking problem, GOB officials are alert to the dangers of trafficking and have taken efforts to prevent traffickers from operating in Botswana. The GOB's primary trafficking-related activities concern border management. Illegal immigration is a significant problem in Botswana, and border control is a high priority for the GOB. Botswana's Police Service, Immigration authority, and Customs and Excise department closely coordinate their activities, including periodic inter-agency meetings at border points around the country. These meetings also include counterparts from neighboring countries. Law enforcement agencies regularly work with other departments, such as the Department of Labor, to organize operations targeting specific locales within the interior. The Botswana Defense Force has deployed soldiers to monitor the long and porous border with Zimbabwe, where deteriorating conditions have created a push effect for illegal immigration and, potentially, trafficking in persons. Other practices, such as roadblocks along key highways, also function to deter and detect trafficking in persons.

-LAW ENFORCEMENT TRAINING-

17. (SBU) The GOB encourages law enforcement personnel to participate in trafficking-related training. The International Law Enforcement Agency (ILEA), located outside Gaborone, conducts regular courses on border control for law enforcement personnel from across southern Africa, including Botswana. In October 2004, ILEA offered a course on trafficking in persons in which seven Botswana law enforcement officials participated. The GOB does not provide training to its embassies and consulates in foreign countries at this time, as there is no evidence that Botswana citizens are being trafficked internationally.

-PUBLIC OUTREACH-

18. (SBU) Although the Government of Botswana has not embarked on a public information campaign specifically addressing trafficking, it does support TIP-related public outreach. Botswana's Department of Immigration has an aggressive public information program in which immigration officials often travel with members of parliament to educate their constituents about illegal immigration. These officials address meetings at local council chambers and at kgotlas (seat of the traditional chief of an area). Their outreach helps citizens identify "people who do not belong" and report them to the local authorities. The GOB has also provided financial support to NGOs who conduct TIP-related public education on child rights and welfare. Childline, for example, received grants from the GOB to conduct workshops that sensitize communities to the rights of a child and to the various aspects of child abuse. This promotes an appreciation of the rights of potential victims of trafficking.

-SUPPORT FOR NGOS-

19. (SBU) The GOB worked with NGOs to protect and empower potential victims of trafficking in persons. The Government regularly provides grants to shelters that provide short-term and long-term care for street kids. National Development Plan 9 (NDP9 - the GOB's five-year performance plan) lists women's economic empowerment as a primary goal. The GOB is working with the Botswana National Council on Women and the Women's NGO Coalition in order to strengthen programs that address issues from women's economic empowerment to reproductive health, and to mainstream gender issues into HIV/AIDS intervention programs. The Minister of Labor and Home Affairs attended the Forty-Ninth Session of the Commission on the Status of Women in New York in March 2005.

10. (SBU) A strategic planning workshop on eliminating the worst forms of child labor in Botswana brought together representatives of government agencies, local NGOs and the ILO in September 2004. The workshop identified priority areas of concern for future projects to address, to include forms of trafficking in children. The general consensus at this workshop was that cross-border trafficking was not a major problem in Botswana. Participants at that meeting ranked internal trafficking of children, especially for work as cattle tenders or domestic laborers, as a greater threat but cited no specific instances.

-CHILD PROSTITUTION-

11. (SBU) One of the causes of potential child trafficking in Botswana is HIV/AIDS. According to the most recent census (2001), there are approximately 112,000 orphans in Botswana, many of whom lost their parents to AIDS. Often the eldest surviving child is left to look after his or her siblings and may resort to prostitution for survival. In a related problem, the adult relatives of orphans sometimes seize the property of the orphans' deceased parents, leaving the children vulnerable to exploitation. There have been instances of caregivers of orphans forcing children into prostitution, but no confirmed incident of trafficking of this kind was reported in 2004.

12. (SBU) The Government's response to this complex problem has been multifaceted. The GOB has criminalized child prostitution. It also runs a large-scale orphan care program, under which orphans receive food supplements and other benefits. Its nation-wide campaign to enroll those infected with HIV in anti-retroviral treatment keeps HIV positive adults alive and healthy longer, reducing the number of orphans and, thereby, the number of children at risk of becoming victims of trafficking.

-CHALLENGES-

13. (SBU) A number of obstacles impede efforts to prevent trafficking in Botswana. Absence of reliable data demonstrating the nature and magnitude of potential trafficking activity makes it impossible to target appropriate resources at identifiable causes and contributing factors. During 2004, the data management at the Department of Immigration was still conducted manually, making timely analysis of immigration/emigration patterns difficult. The Department of Immigration plans to begin computerizing its record-keeping at border posts during 2005. This process should improve the Government's ability to identify possible trafficking corridors. The cost of battling one of the world's highest HIV/AIDS infection rates places an enormous strain on the Government's budget, limiting funds available to allocate to anti-trafficking programs. There is also a general lack of clarity surrounding what constitutes trafficking. These factors combined to stymie an attempt in early 2004 to establish a functioning Task Force on trafficking.

----- Prosecution -----

14. (SBU) No law specifically prohibits trafficking in persons. Penal code provisions covering offenses such as abduction, kidnapping, slave trafficking, compulsory labor and procuring women and girls for the purpose of prostitution can be used to prosecute cases of human trafficking. Traffickers charged with kidnapping and abduction could face a maximum sentence of seven years in prison. Owners of premises where girls under the age of 16 engage in prostitution can be held liable and receive a sentence of up to five years in prison. In the Penal Code (Amendment) Act of 1998, Botswana implemented strict penalties for rape. The minimum sentence for rape is 10 years in prison. If the offender is HIV-positive, the minimum sentence rises to 15 years in prison with corporal punishment. If the offender is HIV-positive and knew his status, the sentence increases to 20 years with corporal punishment. The law does not address marital rape.

15. (SBU) The GOB has signed and ratified relevant UN Conventions that protect children. The Protocol To Prevent, Suppress And Punish Trafficking In Persons, Especially Women And Children was signed in August of 2002. (Note: The GOB has not yet harmonized its domestic law with this protocol). The GOB signed and ratified ILO Convention 182 Concerning The Prohibition And Immediate Action For The Elimination Of The Worst Forms Of Child Labor in 2001. The GOB is also a signatory to the Optional Protocol To The Convention On The Rights Of The Child, On The Sale Of Children, Child Prostitution, and Child Pornography. Botswana ratified both ILO Conventions 29 and 105 on Forced Labor in 1997.

16. (SBU) Government authorities and individual members of government agencies do not facilitate trafficking of persons and overall corruption is not an impediment to fighting trafficking. Transparency International ranked Botswana as the least corrupt country in Africa and tied for 31st in the world. A Directorate on Corruption and Economic Crime actively investigates allegations of public corruption.

----- Protection -----

17. (SBU) The GOB does not have policies in place to provide assistance to victims of trafficking. The Department of Social Welfare, in the Ministry of Local Government, however, planned a national conference for March

2005 on child abuse. One expected outcome of that conference was a protocol for assisting victims of abuse and exploitation, including victims of trafficking. There is no witness protection system in place. However, in all sex-offense cases, court proceedings are held in camera. Free HIV testing and counseling services are offered at 16 sites throughout the country and are well publicized.

118. (SBU) No NGOs in Botswana focus exclusively on trafficking, but there are a number of NGOs that would provide assistance to potential victims. In the single specific case of trafficking reported in 2004, Childline provided immediate shelter and helped return the child to her home. Ditshwanelo (the Botswana Center for Human Rights), Women Against Rape, and Women and Law in Southern Africa, are among the many other NGOs aware of the trafficking issue. They keep an eye open for evidence of people being trafficked from, to, or through Botswana.

Comment

119. (SBU) Botswana is working to comply with the standards outlined in the TPVA, as demonstrated by participation in TIP-related law enforcement training, heightened border security measures, efforts to protect HIV/AIDS orphans, assistance to NGOs that aid potential trafficking victims, and the signing of UN and ILO conventions intended to protect against trafficking, child labor, and transnational crime. Awareness of the TIP is increasing; however, the distinction between trafficking in persons and migrant smuggling is still blurry for many. Post has sought funding to help clarify the nature and extent of possible trafficking in Botswana and to provide trafficking-related training for law enforcement officers aimed at integrating this subject into local curricula. Post will continue to work with interested parties to increase consciousness of this issue.

120. (U) Post's point of contact on TIP is Political-Economic Officer Aaron Cope, tel: 267-395-3982 x 5252, fax: 267-395-3238, email: Copeam@state.gov. Estimated amount of FS-4 time spent on this report is 17 hours.
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